I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV233435751US, in an envelope addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 25, 2004

Signature:

Docket No.: 30471/36574A

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

HARR et al.

Application No.: Not Yet Assigned

(Divisional of 09/09/600,148)

Group Art Unit: Not Yet Assigned

Filed: February 25, 2004

Examiner: Not Yet Assigned

For:

SCREENING METHOD FOR APOPTOSIS AND NECROSIS

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

Those patents or publications which are identified in the attached form PTO/SB/08 are not supplied because they were previously cited by or submitted to the Office in a prior Application No. 09/600,148 and relied upon in this application for an earlier filing date under 35 U.S.C. 120.

Docket No.: 30471/36574A

A concise explanation of relevance of the items listed on form PTO/SB/08 is:

[X] not given

[] given for each listed item

[] given for only non-English language listed items

[] in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

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By:

Registration No. 31,879

Attorney For Applicants

February 25, 2004

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Approved for use through 10/31/2002.OMB 0551-0031

U. S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Sub	Substitute for form 1449A/PTO			Complete if Known		
				Application Number	Not Yet Assigned	
IN.	NFORMATION	1 DI	SCLOSURE	Filing Date	February 25, 2004	
S	TATEMENT I	3Y /	APPLICANT	First Named Inventor	HARR et al.	
				Art Unit	Not Yet Assigned	
	(use as many sh	eets as	necessary)	Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	30471/36574A	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
	A01	5,945,291	11-1997	Bolton et al.		

	FOREIGN PATENT DOCUMENTS							
Examiner	Cite	Foreign Patent Document	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant			
Initials*	No.1	Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	MM-DD-YYYY	Applicant of Cited Document	Passages or Relevant Figures Appear	T ⁶		
	B01	EP 0 806 668 A2	11-12-1997					
	B02	WO 95/27903	10-19-1995					
	B03	WO 97/11094	03-27-1997					
	B04	WO 97/14812	04-24-1997					

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS						
Examiner Initials	Cite No.1					
	C01	Cormack et al., "FACS-optimized mutants of the green fluorescent protein (GPF)," Gene, 173(1):33-38 (1996)				
	C02	Lamm et al., "A rapid, quantitative and inexpensive method for detecting apoptosis by flow cytometry in transiently transfected cells," <i>Nucleic Acid Research</i> , 25(23):4855-4857 (1997)				
	C03	Li et al., "Use of Green Fluorescent Protein in Studies of Apoptosis of Transfected Cells," BioTechniques, 23(6):1026-1029 (1997).				
	C04	International Preliminary Examination Report corresponding to International Patent Application Serial No. PCT/IB99/00030, dated 19.04.2000, European Patent Office, 12 pages.				
	C05	International Search Report corresponding to International Patent Application Serial No. PCT/IB99/00030, dated 09/03/1999, European Patent Office, 3 pages.				

Examiner	Date	·
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

Applicant's unique citation designation number (optional). ²See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.